

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

TRICIA LYNN SNYDER,

Plaintiff,

v.

ORDER
12-CV-893

CAROLYN W. COLVIN, Acting Commissioner
of Social Security,¹

Defendant.

The instant case involves the appeal of a final determination by the Commissioner of Social Security that plaintiff is not disabled and therefore not entitled to disability benefits and/or Supplemental Security Income Benefits. The action has been brought pursuant to Section 405(g) of Title 42 of the United States Code and was referred to Magistrate Judge Hugh B. Scott in accordance with Section 636(b)(1) of Title 28 of the United States Code.

Plaintiff's application for social security benefits was denied initially and on reconsideration. She then appeared before an administrative law judge who, after a *de novo* review of the record, found that plaintiff was not disabled within the meaning of the Social Security Act. The Appeals Council denied plaintiff's

¹As set forth in defendant's response, Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Thus, Carolyn W. Colvin has been substituted for the original defendant in this matter, Michael J. Astrue, pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

request for review. Plaintiff then commenced the present action, and both plaintiff and defendant subsequently moved for judgment on the pleadings. (Dkt. Nos. 9 and 12)

On December 4, 2013, Magistrate Judge Scott issued a Report and Recommendation recommending that the decision of the Commissioner be adopted, that defendant's motion for judgment on the pleadings be granted and that plaintiff's motion for similar relief in her favor be denied. (Dkt. No. 19) Plaintiff filed objections on December 18, 2013. (Dkt. No. 20) Defendant filed a response on February 14, 2014. (Dkt. No. 22) Plaintiff filed a reply on February 21, 2014 (Dkt. No. 23), and the Court considered the matter submitted without oral argument.

Pursuant to 28 U.S.C. §636(b)(1), this Court must make a *de novo* determination of those portions of the Report and Recommendation to which objections have been made. Upon *de novo* review, and after reviewing the parties' submissions, the Court hereby adopts Magistrate Judge Scott's recommendation to grant defendant's motion for judgment on the pleadings, deny plaintiff's motion for judgment on the pleadings and dismiss plaintiff's complaint.

Accordingly, for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendant's motion for judgment on the pleadings is granted, plaintiff's motion for judgment on the pleadings is denied, and plaintiff's complaint is dismissed.

The Clerk of the Court is instructed to close the case.

SO ORDERED.

_____*Richard J. Arcara*_____
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: March 24, 2014